

REGISTER

South Dakota Legislative Research Council



Volume 28

Monday, 8:00 a.m., October 15, 2001

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council)

Department of Labor: (October 9, 2001) is proposing to amend a rule to clarify what is considered "approved training" for unemployment insurance purposes and replace the out-dated Job Training Partnership Act reference with the Work Force Investment Act. The general authority for this rule, as cited by the department, is SDCL 61-6-2 and 61-6-15.1.

A public hearing will be held in the 2nd floor conference room of the Department of Labor office, 420 South Roosevelt Street, Aberdeen, South Dakota, on Tuesday, November 13, 2001, at 9:00 a.m. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Department of Labor, Unemployment Insurance Division, 420 South Roosevelt Street, Aberdeen, South Dakota 57402-4730. Written comments must reach the department by November 23, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 626-2452 at least forty-eight hours before the hearing.

Department of Game, Fish and Parks: (October 12, 2001) intends to adopt rules to modify the list of bodies of water where use and possession of baitfish is prohibited; clarify the intent of the no fishing zone rules, provide that listing of waters is not all-inclusive but also includes waters posted by the department as a "no fishing zone," and modify the listing of waters as "no fishing zones"; establish time

requirements for removal of ice shelters in the state; clarify that fishing limits apply to persons who catch "and keep" a certain number of different species of fish; establish a lower daily limit in Lynn Lake in Day County for walleye, sauger, or walleye/sauger hybrids and crappies and impose a 40-inch muskellunge minimum size restriction; establish a lower daily limit at Enemy Swim Lake for bluegill/sunfish and prohibit persons having caught a bluegill/sunfish from exchanging it for another caught later; impose a minimum size restriction (15 inches) for largemouth bass at Lakes Burke, Simon, and Corsica, Murdo City Lake, and Murdo Railroad Dam; repeal the 12-15 inch protected slot limit for largemouth bass at Murdo City Lake, remove the 14-inch minimum size restriction for walleye at Lake Sinai, and remove the 17 inch minimum size restriction for walleye at Iroquois Lake; modify the daily and possession limits for bluegill, perch, and crappie in various areas and waters of the state; add Lakes Albert, Brant, Herman, Madison, Island, Sinai, Fox (Clark County), and West Highway 81/Twin Lakes complex to bodies of water where the daily limit can only include 1 walleye 20 inches or greater in length; establish a "catch and release" fishing zone for anglers age 16 years and older at Snake Creek Pond in Charles Mix County and establish a daily limit of 5 of any combination of bass, crappie, or sunfish for anglers under 16 years of age at Snake Creek Pond; establish daily limits for bass, whether largemouth or smallmouth, at Enemy Swim, Clear Lake (Marshall County), Pickerel Lake, and Roy Lake at 1 and which must be 18 inches or greater in length and repeal the minimum length limit of 15 inches for largemouth bass at these lakes; establish the time when archery fishing of paddlefish on the South

Dakota/Nebraska boundary waters below Gavin Point Dam is permitted; establish a minimum size restriction for muskellunge in Mud Creek below Amsden Lake; modify fish limits for the taking of walleye, sauger, and walleye/sauger hybrids on Lake Oahe; establish a commercial snowmobile permit or pass (and its fee) required for operation of rented snowmobiles on a state snowmobile trail and exemptions therefrom, prohibit certain uses of the state snowmobile trail, validity (time) of the permit, and required display of the permit. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-12-3, and 41-17-1.1.

A public hearing will be held at the Ramkota River Centre in Pierre, South Dakota, on Thursday, November 1, 2001, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

NOTICE: The *Bureau of Information and Telecommunications* has canceled the hearing scheduled for Tuesday, October 16, 2001.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

PUBLIC UTILITIES COMMISSION: ONE CALL NOTIFICATION BOARD:

20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06, and 20:25:03:08.

History-Notice: 28 SDR 15, July 30, 2001

Hearing: August 27, 2001

Filed: October 9, 2001

Effective: October 29, 2001

DEPARTMENT OF GAME, FISH AND PARKS: 141:07:03:01.

History-Notice: 28 SDR 54, October 9, 2001

Hearing: N/A

Filed: October 11, 2001

Effective: October 11, 2001

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

10-30-2001	Health	Conform to current health and safety standards in medical facilities, control Legionella with higher water temperatures; permit facilities to develop tuberculosis testing policies relative to population risk; clarify limitations of unlicensed staff; remove certain requirements regarding medications; ensure adult foster care clients receive necessary
------------	--------	---

		services; define requirements for in-patient chemical dependency treatment facilities; 28 SDR 53.
11-1-2001	Game, Fish and Parks	Baitfish use restricted; no fishing zones; removal of ice fishing shelters; fish limits on inland waters; fish limits on Lynn Lake, Enemy Swim Lake, Murdo City Lake, Murdo Railroad Dam, Lakes Albert, Brant, Herman, Madison, Island, Sinai, Fox and West Highway 81/Twin Lakes complex; a "catch and release" fishing zone for anglers age 16 and older and a daily limit of 5 for anglers under age 16 at Snake Creek Pond in Charles Mix County; establish time when archery fishing of paddlefish is permitted below Gavins Point Dam; size restrictions in Mud Creek below Amsden Lake; fish limits on Lake Oahe; snowmobile permits; 28 SDR 57.
11-2-2001	SD Investment Council	Requirements to guide council in investment in certificates of deposit; 28 SDR 53.
11-13-2001	Labor	Clarify "approved training" for unemployment purposes, update references; 28 SDR 57.
12-6-2001	Transportation	Speed zones in Yankton and Viborg; 28 SDR 53.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Tuesday, October 23, at 7:00 a.m. in Room 413 of the State Capitol. The final meeting of the 2001 interim will be November 28.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

Note: An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 28 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.cfm>).